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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,563	08/30/2001	Takao Miyazaki	0879-0347P	6146
2292	7590	05/19/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ZHONG, CHAD	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/941,563	Applicant(s) MIYAZAKI ET AL.	
	Examiner Chad Zhong	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 02/17/2005. This action has been made final.

2. Claims 1-13 are presented for examination. In amendment B, filed on 02/17/2005.

It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho et al. (hereinafter Donoho), US 6,801,929, in view of Focsancanu et al. (hereinafter Focsancanu), US 5,991,292.

6. As per claim 1, Donoho teaches an informing system for informing a user through a local area

network, the informing system comprising:

a properties file producing device (Fig 5, item 50, wherein the directory directly or indirectly produces the advisory file) that produces a properties file (Col. 13, lines 45-53) showing at least one of the following:

whether or not an informing job has priority over other informing jobs, whether the informing job will be performed automatically or manually (Col. 15, lines 1-15, wherein the SDF files contains a schedule for synchronization, which is done manually or automatically), a range of the informing job (Col. 8, lines 55-67, wherein the job is performed automatically; Col. 14, lines 25-55, wherein the range of jobs are types of advisories sent out); and

7. Donoho does not explicitly teach:

which communication apparatus will perform the informing job; and

an informing device that informs the user according to the properties file produced by the properties file producing device.

8. Focsancanu teaches the above section see for example, Col. 15, lines 33-50, in order to avoid communication device failure.

9. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Donoho and Focsancanu because they both dealing with profile managed network devices. Furthermore, the teaching of Focsancanu to specify in the profile which communication apparatus will perform the informing job would improve the functionality for Donoho's system by allowing the user to specify in the user profile which device will act as the informing device.

10. As per claim 3, Donoho teaches the informing system as defined in claim 1, wherein the local

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area network is a home network in a home (Col. 5, lines 40-45).

11. As per claim 5, Donoho teaches a server that stores the properties file produced by the properties file producing device (Col. 102, lines 1-25, wherein the servers here are the advise provider sites), the remainder of claim 5 is rejected for the same reasons as rejection to claim 1 above.

12. As per claim 7, claim 7 are rejected for the same reasons as rejection to claims 3 above respectively.

13. As per claim 13, claim 13 is rejected for the same reasons as rejection to claim 1 above.

14. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho et al. (hereinafter Donoho), US 6,237,114, in view of in view of Focsancanu et al. (hereinafter Focsaneanu), US 5,991,292, further in view of Stumer, US 2002/0064271.

15. As per claim 2, Donoho and Focsancanu does not explicitly teaches the informing system as defined in claim 1, wherein the informing device turns on the communication apparatus if the properties file shows that the informing job has the priority over the other informing jobs.

16. Stumer teaches the above section for example [0049], for the advantage of power optimization.

17. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Donoho, Focsancanu and Stumer because they all deal with monitoring computer systems and prioritization of informing jobs. Furthermore, the teaching of Stumer to allow informing device turns on the communication apparatus if the properties file shows that the informing job has the priority over the other informing jobs would improve the effectiveness in energy conservation for Wookey's system by only turning on/activate the module when it is needed to perform a job function.

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18. As per claims 4, 6 and 8, claims 4, 6 and 8 are rejected for the same reasons as rejection to claim 2 above.

19. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho et al. (hereinafter Donoho), US 6,801,929 (Note, there was a typo regarding to this section in the previous action, US 6,237,114 has been corrected to Donoho's patent number), in view of Focsancanu et al. (hereinafter Focsaneanu), US 5,991,292, further in view of Kang, US 2003/0074450.

20. As per claim 9, Donoho and Focsancanu does not explicitly teaches the informing system as defined in claim 5, wherein the server is one of a refrigerator and a telephone that can transmit and receive information through the local area network.

21. Kang teaches the above section see for example [0024], for advantage of using home appliances as part of the network.

22. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Donoho, Focsancanu and Kang because they both dealing with monitoring computer systems. Furthermore, the teaching of Kang to allow monitoring of home network appliance statuses would improve the effectiveness for Donoho's system by monitoring statuses of devices within a home network comprising of various appliances.

21. As per claim 10-11, claims 10-11 are rejected for the same reasons as rejection to claims 2-3 above respectively.

22. As per claim 12, claim 12 is rejected for the same reasons as rejection to claim 2 above.

Conclusion

23. Applicant's remarks filed 02/17/2005 have been considered but are found not persuasive

24. In the remark, the applicant argued in substance that Donoho fails to disclose or suggest "a properties file in the cited references, and a properties producing device".

In response to applicant's arguments, Donoho discloses advice provider component comprising plurality of properties files (Col. 13, lines 45-53), each of these properties files are used to advice specific clients. For example, Advisories themselves contains properties which dictate the range of the informing job, the relevancy condition is used to describe attributes of a computer, its contents and environment (see Col. 14, lines 25-55), this indicate the range of the job and the type of job, in another words, the advisory is going to a particular client and advisory is to solve a type of problem among plurality of problems on the client side; SDF files describes a time for scheduling a synchronization, this portion reads on the 'manually' or 'automatically' portion of the claim, wherein SDF automatically schedules a time for synchronization. Hence, in light of the above, the properties file of Donoho describes the claimed invention. Note, the "producing" device as claimed by the Applicant reads on the storage directory item 50 of Fig. 5, the properties files are stored directly or indirectly onto the directory, then when a properties file is needed it is retrieved or generated from the directory itself.

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "INFORMING SYSTEM AND METHOD".

- i. US 5257387 Richek et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
April 16, 2005



Dung C. Dinh
Primary Examiner